

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PRIVATE AIDED DEGREE COLLEGES - SUITS – Implementation of High Court of A.P orders dated 11-03-2008 in W.P.No.23991 of 2005 and dated 15-04-2008 in W.P.No.20499 of 2003 filed by Sri K.Gangadhara Rao and two others and dated 15-04-2008 in W.P.No.20499 of 2003 filed by Smt.G.Aruna, W/o Late G.Sambasiva Rao, Lecturer in History, K.V.R.College, Nandigama, respectively for payment of the differential amount of the salary under the U.G.C. Scales of pay, 1986 by extending the benefits of G.O.Ms.No.159, Higher Education (IE-II) Department, dated 16-09-2006 – Orders – Issued.

HIGHER EDUCATION (CE-II-1) DEPARTMENT

G.O.Rt.No. 214

Dated 27th March, 2010
Read the following:-

1. G.O.Ms.No.159, Higher Education (IE-II) Department, dated 16-09-2006.
2. G.O.Ms.No.177, Education, dated 04-11-2006.
3. Hon'ble High Court of A.P orders dated 11-03-2008 in W.P.No.23991 of 2005.
4. Hon'ble High Court of A.P orders dated 15-04-2008 in W.P.No.20499 of 2003.
5. From the C.C.E., A.P., Hyderabad, Letter Rc.No.2616/P3/2003, dated 22-07-2008 and 1057/P3/2005, dated 22-07-2008.

ORDER:-

Smt.G.Aruna, W/o Late G.Sambasiva Rao, Lecturer (History), K.V.R.College, Nandigama, has filed W.P.20499 of 2003 in the Hon'ble A.P.High Court with a prayer in not granting the UGC Scales of Pay, 1986 to her husband w.e.f. 01-01-1986 to 16-04-1987 and not revising the family pension of the petitioner under the A.P.Revised Pension Rules, 1980 by paying the differential amount arising out of the re-fixation under the UGC Scales of pay, 1986. The Hon'ble A.P.High Court in its judgment dated 15-04-2008 held that: -

“the issue that arises for consideration in this W.P. is squarely covered by the judgment dated 28-11-1997 in W.P.No.9665 of 1996 and batch, wherein it was held as under:

That the teachers and other staff working in the Private Aided Colleges, who retired from service between 29-10-1979 and 01-11-1992 shall also be eligible for the benefit of Revision Pension Rules, 1980, with effect from the respective dates of their retirements and their pension shall be notionally fixed taking into account the increments, if any made from the date of their retirement till 01-11-1992. The actual monetary benefits of re-fixed pension as on 01-11-1992 shall be released to them. The arrears arising out of the re-fixation as directed above, shall be paid to them within three months. In case any pensioner, who has retired during the period and expired as on the date of arrears arising out of the said re-fixation shall be paid to the wife or legal heirs of the deceased pensioner.

The gratuity shall be revised in terms of R.P.R., 1980, and the difference shall be paid to the petitioner or in the event of his death to his wife or legal heirs of the deceased pensioner in accordance with the rules, within a period of three months from the date of receipt of a copy of this order. The family pension as applicable under R.P.R., 1980 shall be re-fixed and the difference arising out of the same re-fixation shall be paid to the eligible persons in accordance with the rules.

In case where the recovery proceedings have been initiated, the authorities shall re-fix the pension and gratuity and family pension as directed above and if it is found that if the excess amounts were paid under 1961 Rules or on account of bonafide mistakes the same shall be recovered after giving due notice to the employees or the other concerned persons”.

[P.T.O]

Therefore, the W.P. is disposed of in terms of the judgment dated 28-11-2007 in W.P.No.8665, 8722 and 12789 of 1996.

2. Sri K.Gangadhar Rao and two others have also filed W.P.No.23991/2005 in the Hon'ble A.P.High Court declaring the action of the respondents in denying the pensionary benefits under the A.P.Revised Pension Rules, 1980 to the petitioners herein to grant and disburse the pensionary benefits to the petitioners herein, with effect from the date of their retirement with all consequential benefits and to grant 18% per annum interest on the arrears of pensionary benefits payable to them with effect from the date of retirement. The Hon'ble A.P.High Court, while allowing the W.P.No.23991 of 2005, in its judgment dated 11-03-2008 held that the W.P is squarely covered by a judgment in W.P.No.1635 of 1999 and batch dated 28-04-2005 wherein it was held under:

“... the only objection taken by the respondents that since the petitioners have retired voluntarily, they are not entitled for extending the benefits under the A.P.Revised Pension Rules, 1980 is arbitrary and illegal. The A.P.R.P.Rules, 1980 do contemplate voluntary retirement apart from retirement on attaining the age of superannuation. In this case, admittedly the petitioners applied for voluntary retirement between 31-12-1988 and 08-01-1993. Once, A.P.R.P.Rules, 1980 are made applicable mutates mutandis to the Teachers / Lecturers working in aided private colleges, their cases also need be considered even for extending the benefits under the A.P.R.P.Rules, 1980, even if they retired voluntarily. The A.P.R.P.Rules, 1980 are applicable from the date of their inception i.e. from 29-10-1979 as held by this court in W.P.No.2089 of 1990 and batch. There is no reason as to why the same ratio is not made applicable to the persons, who retired voluntarily, for the purpose of extension of the benefits under the A.P.R.P.Rules, 1980.

For all the above reasons the W.Ps are allowed and the respondents are directed to grant the benefits of A.P.R.P.Rules, 1980, to the petitioners and disburse the pensionary benefits to them as per the said rules with effect from the respective dates of their retirement with all consequential benefits, within a period of three months from the date of receipt of a copy of this order. However, if the petitioners have gained any advantage even for a short period over and above what they are entitled under the A.P.R.Pension Rules, 1980, while extending the A.P.Liberalized Pension Rules, 1961, in their cases earlier, the same is liable to be deducted while working out the benefits as stated above.”

3. The Commissioner of Collegiate Education, A.P., Hyderabad, in his letter 5th read above, has stated that the Government in G.O.Ms.No.159, Higher Education (IE-II) Department, dated 16-09-2006, have implemented the Hon'ble A.P.High Court orders dated 28-04-2005 in W.P.No.1635 of 99 extending the provisions of the A.P.Revised Pension Rules, 1980 in respect of 18 staff members of Aided Junior / Degree Colleges who retired voluntarily from the service and releasing the Revised Pensionary benefits as per the A.P.Revised Pension Rules, 1980, and therefore, requested the Government to issue necessary orders to implement the orders dated 11-03-2008 in W.P.No.2399 of 2005 filed by Sri K.Gangadhara Rao and two others of Andhra Loyola College, Vijayawada and dated 15-04-2008 in W.P.No.20499 of 2003 filed by Smt.G.Aruna, W/o Late Sri G.Sambasiva Rao, Lecturer (History), K.V.R.College, Nandigama, Krishna district, who retired from service voluntarily on the A.N. of 31-10-1989 and 16-04-1987 (three petitioners in W.P.No.2399 of 2005) and on 16-04-1987 [Sri G.Sambasiva Rao] respectively by extending the provision of the A.P.Revised Pension Rules, 1980. If the petitioners have already granted any advantage even for a short period over and above what they are entitled under the A.P.Revised Pension Rules, 1980, while extending the A.P.Liberalized Pension Rules, 1980 in their cases earlier the same is liable to be deducted while working out the benefits.

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4. The matter has been examined in consultation with administrative departments. The Government after careful examination of the matter and keeping in view of Hon’ble A.P.High Court orders in W.P.No.1635/96 and on the analogy of orders issued in G.O.Ms.No.159, Higher Education (IE-II) Department, dated 16-09-2006, have decided to extend the similar benefits, to the following individuals as detailed below: -

Sl. No	Name of the individual [Sarvasri]	Designation	Date of voluntarily retired	Name of the Educational institution
01.	G.Gangadhara Rao	Lecturer (Physics)	31-10-1989	Andhra Loyola College, Vijayawada.
02.	E.S.R.K.Prasad	Lecturer (Zoology)	31-10-1989	Andhra Loyola College, Vijayawada.
03.	D.Krishna Prasad	Lecturer (Chemistry)	31-10-1989	Andhra Loyola College, Vijayawada.
04.	Late Sri G.Sambasiva Rao	Lecturer (History)	16-04-1987	K.V.R.College, Nandigama.

5. The Commissioner of Collegiate Education, A.P., Hyderabad, shall take action accordingly.

6. This order issues with the concurrence of Finance (Pension-I) Department vide their U.O.No.9349/309/A1/Pen.I/09, dated 19-11-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Commissioner of Collegiate Education, A.P., Hyderabad.
Copy to: -
The Accountant – General, Andhra Pradesh, Hyderabad.
The Regional Joint Director of Collegiate Education, Rajahmundry.
The District Treasury Officer, Krishna district, Machilipatnam.
The Finance (Pen-I) Department.
The P.S. to M (HE & NRI Affairs).
The P.S. to Prl.Secy. to Govt., Higher Education.
SF / SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER